

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: April 26, 2005
Public Hearing: May 17, 2005

CONTACT PERSON/PHONE: Fred Lopez, 541-4925

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 1A, Block 4, Falcon Hills Unit One Replat B, El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) to A-O/sc (Apartment/Office/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Davis Street Corporation. ZON05-00017 (District 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation with conditions
City Plan Commission (CPC) – Approval Recommendation with conditions

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

April 18, 2005

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Fred Lopez, Planner II / Zoning Coordinator

SUBJECT: ZON05-00017

The City Plan Commission (CPC), on April 07, 2005, voted **6 - 0** to recommend **APPROVAL** of this rezoning request from R-F (Ranch and Farm) to R-3 (Residential) with conditions for Parcel 1 and R-F (Ranch and Farm) to R-2 (Residential) with conditions for Parcel 2, concurring with Staff's recommendation.

Recommended conditions:

1. *No buildings on the property shall exceed forty feet in height.*
2. *Any lighting on the property shall comply with Chapter 18.18 (Outdoor Lighting Ordinance) of the El Paso Municipal Code.*

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **OPPOSITION** to this request at the CPC Hearing.

STAFF REPORT

Rezoning Case: ZON05-00017

Property Owner(s): Davis Street Corporation

Applicant(s): Davis Street Corporation

Representative(s): Roe Engineering

Legal Description: A portion of Lot 1A, Block 4, Falcon Hills Unit One Replat B

Location: 780 N. Resler Drive

Representative District: # 1

Area: 0.94 Acres

Present Zoning: A-2/sc (Apartment/special contract)

Present Use: Vacant

Proposed Zoning: A-O/sc (Apartment/Office/special contract)

Proposed Use: Offices

Recognized Neighborhood Associations Contacted: Coronado Neighborhood Association, Save the Valley, Texas Apache Nations Inc.

Surrounding Land Uses:

North -	R-3 (Residential) / residential
South -	S-D/sc (Special Development/special contract) / residential
East -	R-3 (Residential) / residential
West-	R-3A (Residential) / residential

Year 2025 Designation: Residential (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, April 07, 2005,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON05-00017

General Information:

The applicant is requesting a rezoning from A-2/sc (Apartment/special contract) to A-O (Apartment/Office/special contract) in order to permit offices. The property is 0.94 acres in size and is currently vacant. The proposed site plan shows a two-story, 26,200 sq. ft. office building to be located on the site. Access is proposed via Resler Drive with fifty-four (54) parking spaces provided. There are zoning conditions currently imposed on this property which are attached to this report as Enclosure 1.

Information to the Commission:

The Planning Department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from A-2/sc (Apartment/special contract) to A-O (Apartment/Office/special contract).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide a pattern of commercial and office development which best serves the community needs and which complements and serves all other land uses.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Residential** land uses.

A-O/sc (Apartment/Office/special contract) zoning permits offices and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the A-O/sc (Apartment/Office/special contract) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will offices be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No zoning comments.

Engineering Department, Development Division Notes:

See Enclosure 1.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

Zoning change does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 2.

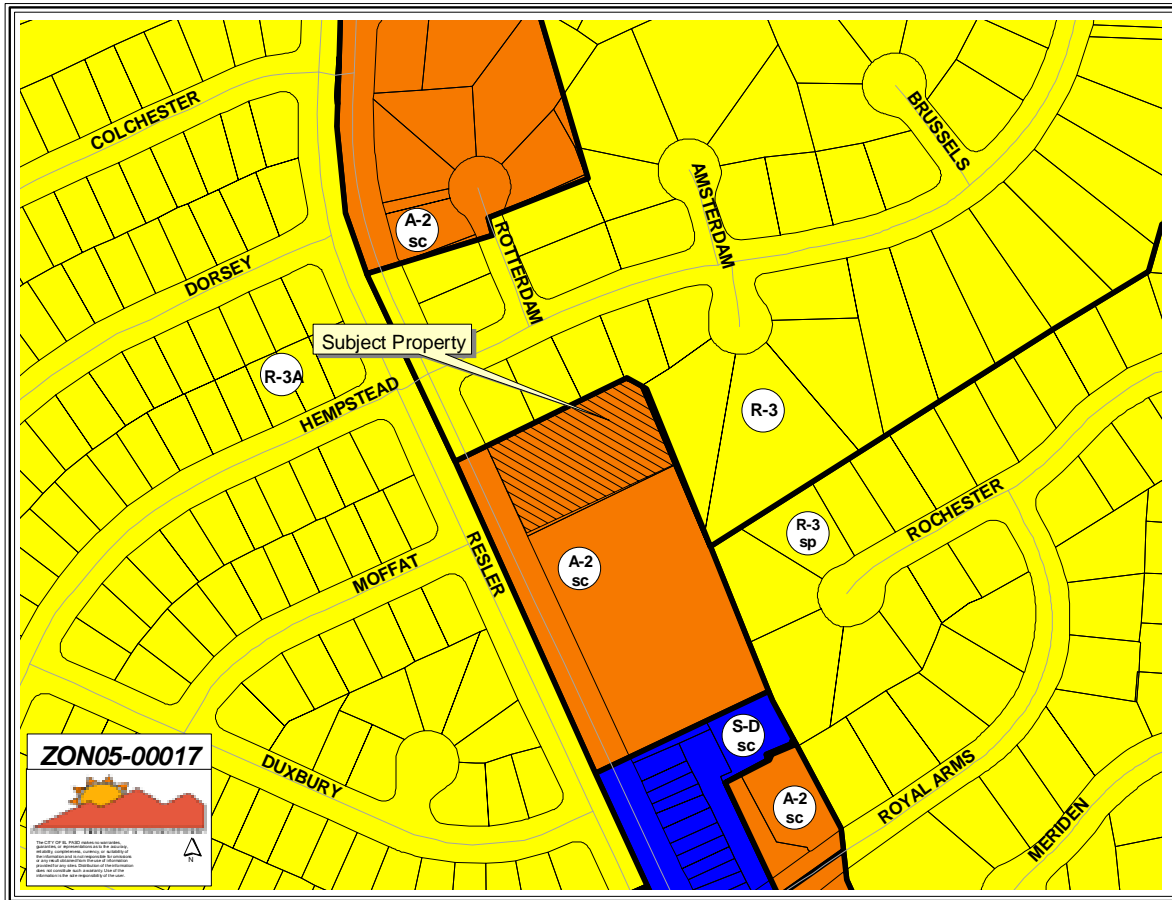
Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for Residential land uses.
- B. A-O/sc (Apartment/Office/special contract) zoning permits offices and is compatible with adjacent development.

ATTACHMENT: Site Plan; Enclosure 1.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1A, BLOCK 4, FALCON HILLS UNIT ONE REPLAT B, EL PASO, EL PASO COUNTY, TEXAS FROM A-2/SC (APARTMENT/SPECIAL CONTRACT) TO A-O/SC (APARTMENT /OFFICE/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *a portion of Lot 1A, Block 4, Falcon Hills Unit One Replat B, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from A-2/sc (Apartment/special contract) to A-O/sc (Apartment/Office/special contract)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from A-2/sc (Apartment/special contract) to A-O/sc (Apartment/Office/special contract)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

- 1. No buildings on the property shall exceed forty feet in height.*
- 2. Any lighting on the property shall comply with Chapter 18.18 (Outdoor Lighting Ordinance) of the El Paso Municipal Code.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

(Signatures on following page)

PASSED AND APPROVED this _____ day of _____, 2005.


THE CITY OF EL PASO

ATTEST:

Joe Wardy, Mayor

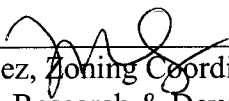
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



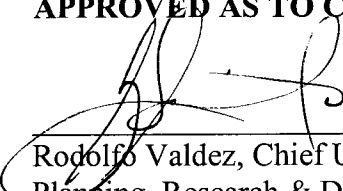
Matt Watson, Assistant City Attorney
Doc No. 11408

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development
Department

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2005, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

Exhibit "A"

Being a portion of Lot 1A, Block 4
Falcon Hills Unit One Replat "B"
City of El Paso, El Paso County, Texas
Prepared for Investment Builders Inc.
December 12, 2001

Metes and Bounds Description

Description of a parcel of land being a portion of Lot 1A, Block 4, Falcon Hills Unit One Replat "B", as recorded in volume 61, page 16, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

The **"TRUE POINT OF BEGINNING"** being the Northwesterly corner of Lot 1A, Block 4, Falcon Hills Unit One Replat "B", said point also lying on the Easterly right of way line of N. Resler Drive;

THENCE leaving said right of way and along the common boundary line of Falcon Hills Unit One Replat "B" and Falcon Hills Unit Three North $61^{\circ} 47' 18''$ East, a distance of 255.93 feet to a point;

THENCE continuing along said boundary line South $28^{\circ} 12' 42''$ East, a distance of 160.00 feet to the point;

THENCE leaving said boundary line South $61^{\circ} 47' 18''$ West, a distance of 255.93 feet to point in the Easterly right of way line of N. Resler Drive;

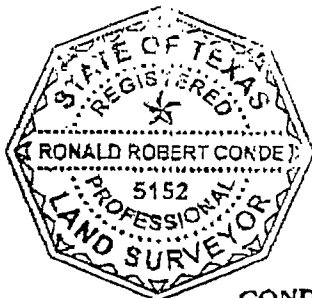
THENCE along said right of way line, North $28^{\circ} 12' 42''$ West, a distance of 160.00 feet to THE **"TRUE POINT OF BEGINNING"** of the herein described tract and containing 40,948.80 square feet of 0.940 acres of land more or less.

Note:

Not a ground survey, bearings and description based on Warranty Deed in volume 3635, page 212, Real Property Records of El Paso County, Texas

A drawing of same date accompanies this description

R.R.C.
Ron R. Conde
R.P.L.S. No. 5152



Job# 1101-51.
R.C.
LGL-01\110151.LGL

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283